

SENATE BILL NO. 339

INTRODUCED BY MURPHY, HAWKS, COBB, TASH, LEWIS, BARKUS, STAPLETON, WANZENRIED,
SINRUD

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ANNEXATION AND ZONING LAWS; PROHIBITING A MUNICIPALITY FROM ANNEXING TERRITORY LOCATED IN A COUNTY DIFFERENT FROM THE COUNTY IN WHICH THE MUNICIPALITY IS LOCATED UNLESS CERTAIN CONDITIONS ARE MET; PROHIBITING A MUNICIPALITY FROM EXERCISING AUTHORITY TO IMPOSE ZONING AND SUBDIVISION REGULATIONS OUTSIDE OF THE MUNICIPALITY'S BOUNDARIES UNLESS CERTAIN CONDITIONS ARE MET; AMENDING SECTIONS 76-2-310 AND 76-2-312, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Annexation across county boundaries. ~~(1)~~ Except as provided in ~~subsection (2) 76-2-310~~ **SUBSECTION (2)**, in all instances of annexation allowed under parts 42 through 47 of this chapter, a municipal governing body may not annex territory in a county that is different from the county in which the municipality is located.

(2) ANNEXATION BY A MUNICIPALITY OF TERRITORY IN A COUNTY THAT IS DIFFERENT FROM THE COUNTY IN WHICH THE MUNICIPALITY IS LOCATED MAY OCCUR ONLY IF THE MUNICIPALITY AND THE COUNTY EXECUTE AN INTERLOCAL AGREEMENT THAT PROVIDES FOR A JOINT CITY-COUNTY PLANNING BOARD AND JURISDICTIONAL EQUALITY.

~~——— (2) Territory in an adjoining county may be annexed by a municipal governing body if the governing body obtains the consent of the board of county commissioners of the county in which the territory is located.~~

~~——— Section 2. Section 76-2-310, MCA, is amended to read:~~

~~——— "76-2-310. Extension of municipal zoning and subdivision regulations beyond municipal boundaries. (1) Except as provided in 76-2-312, and except in locations where a county has adopted zoning or subdivision regulations, and subject to subsection (2), a city or town council or other legislative body that has adopted a growth policy pursuant to chapter 1 for the area to be affected by the regulations may extend the application of its zoning or subdivision regulations beyond its limits in any direction subject to the following limits:~~

~~——— (a) up to 3 miles beyond the limits of a city of the first class as defined in 7-1-4111;~~

1 ~~—— (b) up to 2 miles beyond the limits of a city of the second class; and~~

2 ~~—— (c) up to 1 mile beyond the limits of a city or town of the third class.~~

3 ~~—— (2) (a) Except as provided in subsection (2)(b), a municipal governing body may not exercise the~~
4 ~~authority provided in subsection (1) if any of the property to be included in the extension is in a county different~~
5 ~~from the county in which the municipality lies and if county subdivision regulations, a growth policy, and zoning~~
6 ~~regulations have been adopted and apply to the property.~~

7 ~~—— (b) A municipal governing body may exercise the authority provided in subsection (1) if the governing~~
8 ~~body obtains the consent of the board of county commissioners in which the property lies.~~

9 ~~—— (2) (A) IF A MUNICIPALITY WISHES TO ANNEX TERRITORY IN A COUNTY THAT IS DIFFERENT FROM THE COUNTY IN~~
10 ~~WHICH THE MUNICIPALITY IS LOCATED, THE MUNICIPALITY AND THE COUNTY SHALL ESTABLISH A JOINT CITY-COUNTY~~
11 ~~PLANNING BOARD WITH EQUAL REPRESENTATION FOR THE PROPOSED ANNEXATION AREA.~~

12 ~~—— (B) THE MUNICIPALITY AND THE COUNTY SHALL NEGOTIATE IN GOOD FAITH TO ADOPT ZONING AND A GROWTH~~
13 ~~POLICY OR NEIGHBORHOOD PLAN PORTION OF A GROWTH POLICY TO GOVERN THE PROPOSED ANNEXATION AREA.~~

14 ~~—— (C) IF THE MUNICIPALITY AND THE COUNTY JOINTLY ADOPT ZONING AND A GROWTH POLICY OR NEIGHBORHOOD~~
15 ~~PLAN PORTION OF A GROWTH POLICY FOR THE PROPOSED ANNEXATION AREA, THE MUNICIPALITY MAY ANNEX THE~~
16 ~~PROPOSED ANNEXATION AREA IN ACCORDANCE WITH THE ADOPTED PROVISIONS.~~

17 ~~—— (2)(3) When two or more noncontiguous cities have boundaries so near to one another as to create an~~
18 ~~area of potential conflict in the event that if all cities concerned should exercise the full powers conferred by~~
19 ~~76-2-302, 76-2-311, and this section, then the extension of zoning or subdivision regulations, or both, by these~~
20 ~~cities must terminate at a boundary line agreed upon by the cities."~~

22 ~~—— **Section 3.** Section 76-2-312, MCA, is amended to read:~~

23 ~~—— "**76-2-312. Exclusion for commission-manager plan municipalities.** A city or town which has as its~~
24 ~~plan of government the commission-manager plan shall be excluded from the (1) The provisions of 76-2-310 and~~
25 ~~76-2-311 which define that provide extraterritorial authority to review proposed subdivisions do not apply to a city~~
26 ~~or town that has as its plan of government the commission-manager plan.~~

27 ~~—— (2) (a) Except as provided in subsection (2)(b), a city or town that has as its plan of government the~~
28 ~~commission-manager plan may not exercise the zoning authority provided in 76-2-310 if any of the property to~~
29 ~~be included in the extension is in a county different from the county in which the city or town is located and if~~
30 ~~county subdivision regulations, a growth policy, and zoning regulations have been adopted and apply to the~~

1 ~~property.~~

2 ~~—— (b) A city or town may exercise the zoning authority provided in 76-2-310 if the city or town obtains the~~
3 ~~consent of the board of county commissioners in which the property lies."~~

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5 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
6 integral part of Title 7, chapter 2, part 42, and the provisions of Title 7, chapter 2, part 42, apply to [section 1].

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8 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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